

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS (EL PASO)**

**In re:**

J.A.R. Concrete, Inc  
**Debtor(s).**

**Case No. 23-30242-HCM**

Ally Bank,

**Movant.**

**Chapter 11**

**v.**

J.A.R. Concrete, Inc

**Debtor(s),**

Michael G. Colvard

**Chapter 11 Trustee  
Respondent(s).**

**ALLY BANK'S MOTION FOR ADEQUATE PROTECTION PAYMENTS OR IN THE  
ALTERNATIVE MOTION FOR RELIEF FROM THE AUTOMATIC STAY RE: 2017  
CHEVROLET SILVERADO 1500 CREW CAB LT 4WD 5.3L V8, VIN #  
3GCUKREC4HG494261**

**THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO  
YOUR INTERESTS.**

**IF NO TIMELY RESPONSE IS FILED WITHIN 14 DAYS FROM THE  
DATE OF SERVICE, THE RELIEF REQUESTED HEREIN MAY BE  
GRANTED WITHOUT A HEARING BEING HELD.**

**A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO  
BE HELD.**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

**COMES NOW**, Ally Bank ("Movant"), complaining of J.A.R. Concrete, Inc ("Debtor")  
and files this Motion for Adequate Protection Payments or in the alternative Motion for Relief  
from Stay, and alleges as follows:

1. This United States Bankruptcy Court for the Western District of Texas has jurisdiction over this proceeding pursuant to 28 U.S.C. §§ 157 and 1334 and 11 U.S.C. § 362. This is a core proceeding within the meaning of 28 U.S.C. §§ 157(b)(2)(A), (G), and (O).

2. On March 14, 2023, Debtor filed a voluntary bankruptcy petition under Chapter 11 of Title 11 of the United States Code.

3. Movant holds a security interest in the vehicle of Debtor identified as a 2017 Chevrolet Silverado 1500 Crew Cab LT 4WD 5.3L V8, V.I.N. # 3GCUKREC4HG494261 (the "Collateral"). Copies of the retail installment sale contract (the "Contract") and certificate of title are attached to the Affidavit as Exhibits "A" and "B", respectively.

4. As of filing of the Motion, Debtor owes a contract balance to Movant of \$24,926.39.

5. The monthly payments are \$612.83, due on 6th day of each month.

6. Debtor is in default. The account was post- petition due for April 6, 2023, payment and all payments due since that time. A copy of the payment history is attached to the Affidavit as Exhibit "D."

7. The estimated replacement value a retail merchant would charge for the Collateral is \$34,500.00. A copy of the vehicle valuation is attached to the Affidavit as Exhibit "C".

8. On information and belief, Debtor may not have the Collateral insured with full coverage insurance listing Movant as loss payee. Movant demands proof of and maintenance of full coverage insurance of the Collateral showing Movant as a loss payee.

9. Cause to lift the stay exists because Movant's interest in the Collateral is not adequately protected pursuant to 11 U.S.C. § 362(d)(1). Movant has not been provided proof of insurance and the value of the Collateral continues to decline.

10. Cause to lift the stay exists under 11 U.S.C. § 362(d)(1) because Debtor has defaulted on payments owed to Movant and the Collateral continues to depreciate in value.

11. Continuation of the automatic stay pursuant to 11 U.S.C. § 362(a) will work real and irreparable harm to Movant and may deprive Movant of the adequate protection to which they are entitled under 11 U.S.C. §§ 361 and/or 362.

12. Movant asks the Court to waive the 14-day stay under Rule 4001(a)(3) for any order granting relief from the automatic stay, because the value of Collateral continues to depreciate.

WHEREFORE, Movant asks the Court to enter an order granting relief from the automatic stay imposed pursuant to 11 U.S.C. § 362 and waiving the 14-day stay of such order under Rule 4001(a)(3). In the event the Court fails to terminate the automatic stay, Movant asks the Court to enter an order adequately protecting Movant's interest in the Collateral. Movant also asks that any order granted under this motion shall remain in effect in the event this case is converted to another bankruptcy chapter.

Respectfully submitted:

Quilling, Selander, Lownds, Winslett  
& Moser, P.C.

/s/ Patrick M. Lynch

Patrick M. Lynch

State Bar #24065655

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Attorney For Ally Bank

**CERTIFICATE OF SERVICE**

I hereby certify that on June 1, 2023, I caused to be served a true and correct copy of the foregoing Motion for Adequate Protection Payments or in the alternative Motion for Relief from the Automatic Stay by electronic mail or by first class mail with postage prepaid on the following:

*Via CM/ECF to Counsel for Debtor(s):*

E. P. Bud Kirk  
600 Sunland Park Drive, Ste.4-400  
El Paso, TX 79912  
budkirk@aol.com

*Via US Mail to Debtor(s):*

J.A.R. Concrete, Inc  
8000 Escobar Dr.  
El Paso, TX 79907

*Via CM/ECF to US Trustee:*

United States Trustee - EP12  
U.S. Trustee's Office  
615 E. Houston, Suite 533  
P.O. Box 1539  
San Antonio, TX 78295-1539  
USTPRegion07.SN.ECF@usdoj.gov

*Via CM/ECF to Trustee:*

Michael G. Colvard  
Martin & Drought, PC  
Weston Centre  
112 E Pecan St, Suite 1616  
San Antonio, TX 78205  
mcolvard@mdtlaw.com

*Via US Mail:*

4 Rivers Equipment  
924 11<sup>th</sup> Street  
Greeley, CO 80631

A-Core, Inc.  
5360 South Riley  
Lane  
Murray, UT 84107

Accent Landscaping  
& Sprinkler  
28 San Marco Drive  
El Paso, TX 79922

Assured Partners of  
Texas, LLC  
5930 Preston View  
Blvd., Ste. 200  
Dallas, TX 75240

Brewer Oil Company  
1025 Wall St.  
El Paso, TX 79915

Clowe & Cowan of  
El Paso  
P.O. Box 9898  
El Paso, TX  
79995-2989

CMC Construction  
Services  
P.O. Box 844573  
Dallas, TX  
75284-4573

El Paso A.R.C.  
Electric  
8010 North Loop  
El Paso, TX 79915

Ferguson  
Waterworks  
P.O. Box 740827  
Los Angeles, CA  
90074-0827

Milling Services  
2401 S 15<sup>th</sup> Ave.  
Phoenix, AZ 85007

Nationwide Rebar,  
Inc.  
5631 J.M. Browning  
El Paso, TX 79938

Nueces Power  
Equipment  
P.O. Box 4789  
Corpus Christi, TX  
78469

SBNG, CPA  
221 N. Kansas, Ste.  
1300  
El Paso, TX 79901

Snell & Wilmer, LLP  
400 E. Van Buren,  
Ste. 1900  
Phoenix, AZ  
85004-2202

Structural Steel  
3900 Lubbock Ave.  
Fort Worth, TX  
76110

Tri State Electric,  
Ltd.  
530 Valley Chile Rd.  
Vinton, TX 79821

United Rentals  
P.O Box 100711  
Atlanta, GA  
30384-0711

Wagner Equipment  
P.O. Box 919000  
Denver, CO  
80291-9000

White Cap  
Construction Supply  
P.O. Box 4582  
Orlando, FL  
32802-4852

X- Gomez Logistics,  
LLC  
7340 Phil Hansen  
Canutillo, TX 79835

/s/ Cathy Bush  
4515 N. Santa Fe Ave.  
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